

PATENT**Atty Docket No.: 200312488-1
App. Ser. No.: 10/769,530****REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. By virtue of the amendments above, Claim 36 has been amended in minor respects without prejudice or disclaimer of the subject matter contained therein. Currently, therefore, Claims 1-40 are pending in the present application, of which, Claims 1 and 36 are independent.

No new matter has been introduced by way of the claim amendments or additions; entry thereof is therefore respectfully requested.

Drawings

The Official Action does not indicate whether the Drawings filed on January 30, 2004 have been accepted. However, because the Official Action does not provide any specific objections to the Drawings, the Drawings are deemed to be acceptable. Should this assumption be in error, the Examiner is respectfully to provide notification of such error in any future communications.

Claim Rejection Under 35 U.S.C. §112, second paragraph

Claim 37 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for conflicting with Claim 36. As suggested by the Examiner, Claim 36 has been amended in minor respects to remove the conflict with Claim 37. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claim 37.

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Non-Statutory Double Patenting

Claims 1, 2, 6-18, 23-26, 28-37, and 39-40 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-33 of U.S. Patent No. 6,536,876 to Fotland et al. or U.S. Patent No. 6,862,031 to Moore et al. in view of U.S. Patent No. 6,719,423 to Chowdry et al.

Submitted concurrently with the present Amendment are terminal disclaimers that disclaim the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration dates of the full statutory terms of prior patent Nos. 6,536,876 and 6,862,031, subject to the exceptions provide in the terminal disclaimers.

Accordingly, the Examiner is respectfully requested to withdraw the double patenting rejection of Claims 1, 2, 6-18, 23-26, 28-37, and 39-40 and to allow these claims.

Non-Elected Claims

Claims 3-5, 19-22, 27, and 38 have been withdrawn from consideration as being directed to a non-elected species of the invention. The Examiner is respectfully requested to consider and allow these claims as the independent Claims 1 and 36 are in condition for allowance at least by virtue of the terminal disclaimers filed herewith.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

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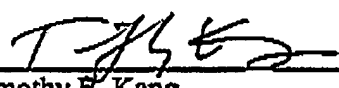
Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Robert A Moore et al.

Dated: June 15, 2005

By


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